

**8A.317 State purchases — designated biobased products.**

1. As used in this section, unless the context otherwise requires:

a. “*Biobased material*” means the same as defined in section 469.31.\*

b. “*Designated biobased product*” means a biobased product as defined in section 469.31,\* and includes a product determined by the United States department of agriculture to be a commercial or industrial product, other than food or feed, that is composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials including plant, animal, and marine materials, or forestry materials as provided in 7 U.S.C. § 8102.

2. The department shall do all of the following:

a. Develop procedures and specifications for the purchase of designated biobased products. The department may develop specifications after consulting guidelines or regulations promulgated by the United States department of agriculture pursuant to section 7 U.S.C. § 8102.

b. Require that a purchase of a designated biobased product be made from the seller whose designated biobased product contains the greatest percentage of biobased materials, unless any of the following applies:

(1) The designated biobased product is not available within a reasonable period of time or in quantities necessary or in container sizes appropriate to meet a state agency’s needs.

(2) The designated biobased product does not meet performance requirements or standards recommended by a manufacturer, including any warranty requirements.

(3) The designated biobased product does not meet the functional requirements and evaluation criteria identified in bid documents. Functional requirements to be considered may include but are not limited to the designated biobased product’s conformance with ASTM (American society for testing and materials) international standards.

(4) The purchase of the designated biobased product conflicts with section 8A.311, subsection 1, paragraph “a”.

(5) The designated biobased product is available only at a cost greater than one hundred five percent of the cost of comparable products which are not biobased.

c. Establish and maintain a preference program for procuring the maximum content of biobased materials in biobased products. The preference program shall include but is not limited to all of the following:

(1) The inclusion of preferences for designated biobased products in publications used to solicit bids from suppliers.

(2) The provision of a description of the preference program at bidders’ conferences.

(3) Discussion of the preference program in requests for proposals or invitations to bid.

(4) Efforts to inform industry trade associations about the preference program.

3. This section does not apply to a biobased product which is subject to requirements for procurement in another provision of this chapter including but not limited to any of the following:

a. Soybean-based ink as provided in section 8A.315.

b. Degradable loose foam packing material manufactured from grain starches or other renewable resources as provided in section 8A.315.

c. A biobased hydraulic fluid, grease, or other industrial lubricant as provided in section 8A.316.

4. When evaluating a bid for the purchase of designated biobased products, the department may take into consideration warranty provisions and life cycle cost estimates.

2008 Acts, ch 1104, §2

[SP] \* Chapter 469 repealed by 2011 Acts, ch 118, §49; corrective legislation is pending

[T] Section not amended; footnote added